PART XIV.

EXECUTION OF DEEDS, CONTRACTS, &c., ON BEHALF OF THE SECRETARY OF STATE FOR INDIA.

In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, Chap. fifty-nine, section two, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of all previous Resolutions in this behalf relating to the Presidency of Bombay, to declare that the undermentioned classes of the deeds, contracts, and other instruments, referred to in the twenty-second and twenty-third of Victoria, Chap. forty-one, section two, may be executed as follows in the territories administered by the Governor of Bombay in Council :— (G. R. 3518, J. D., 14th June 1878.)

1. Contracts for the supply of articles of dead stock, or petty supplies.	By the Government officer for whose use such articles or petty supplies are required, or by any Government officer to whom such officer is subordinate.
2. Contracts for the sale of useless articles.	By the Government officer in whose office such useless articles are, or by any Government officer to whom such officer is subordinate.
3. Contracts for lease or sale of Government buildings.	Jointly by the chief local officer of the Department in whose charge, and the chief local officer of the district in which, such buildings are.
4. Contracts for hire or purchase of buildings for Government.	Jointly by the chief local officer of the Department for which, and the chief local officer of the district in which, such buildings are to be hired or purchased.
5. Contracts for petty construction and repairs, and for public works of every description which are not executed by the Public Works Department.	Jointly by the chief local officer of the Department by which, and the chief local officer of the district in which, such works are to be executed or by an Assistant or Deputy Collector, if the work is executed by the Revenue Department.
6. Sanads—	
(*a*) continuing or confirming exemption from payment of land revenue, or (*b*) continuing or confirming any pension or grant of money or land revenue, or (*c*) confirming watan-service-commutation settlements, or (*d*) guaranteeing cash payments in lieu of ábkári or other rights, or	By Collectors of Districts.

(*e*) granted under Bombay Act IV. of 1868, or any other law for the time being in force relating to the survey of towns and cities.	By Collectors of Districts.
7. Deeds, contracts, and instruments relating to land, or to any benefit arising out of land, or to water, or to any benefit arising out of water or to land revenue.	In the City of Bombay by a Secretary to Government, elsewhere by Collectors of Districts or in any business connected with the duties of the Tálukdári Settlement Officer, by that officer.
8. Contracts for the farm of tolls, taxes, duties, cesses or revenues of any description.	By Collectors of Districts or by the heads of the departments by which such tolls, duties, cesses or revenues are levied.
9. Contracts for the erection or repair of boundary marks.	By survey officers, or revenue officers, not lower in rank than mahálkaris.
10. Contracts for the supply of stationery, &c., to the Superintendent of Stationery.	By the Superintendent of Stationery, Bombay.
11. Contracts for the supply of articles of any description for the use of jails, or regarding the sale of articles manufactured in jails.	By the Inspector General of Jails, Bombay, or by Superintendents of Jails.
12. Contracts for the supply of articles procured in the local markets for the Police.	By the Commissioner of Police in the City of Bombay, and elsewhere by Police Commissioners, or by District Superintendents of Police.
13. Contracts connected with the management of the Botanical Gardens at Ganesh Khind.	By the Superintendent.
14*. Deeds, contracts, and instruments relating to Government forests or to forest produce, or to the business of the Forest Department, or to any land, buildings or other property in the control of that Department other than contracts of the nature specified above in articles 1 to 5.	By Conservators of Forests.
15. Deeds, contracts, and instruments relating to salt revenue or to the business of the Salt Department, or to the land, buildings or other property in the control of that Department, other than contracts of the nature specified above in articles 1 to 5.	In Sind, by the Commissioner in Sind, or by the head of the Salt Department in that Province, or by Collectors of Districts, and elsewhere by a Secretary to Government, or by the Collector of Salt Revenue, Bombay.
16. Contracts entered into with normal scholars and apprentices in Engineering or Industrial Colleges, &c.	By Educational Inspectors or by the Principals of such Colleges.

* With regard to contracts and other instruments, in matters connected with the administration of forests and with the business of the Forest Department *vide* Appendices A and B.

17. Contracts for public works executed by the Public Works Department.	By Executive Engineers of Divisions subject to the conditions prescribed by the Public Works Department.
18. Contracts relating to the Indian Troop Service.	By the Resident Transport Officer, Bombay.
19. Contracts for the supply of articles procured in the local markets for the Ordnance Department.	By Commissaries of Ordnance, Deputy Commissaries of Ordnance, Deputy Assistant Commissaries of Ordnance and Superintendents of Factories.
20. Contracts relating to the business of the Commissariat Department.	By Executive Commissariat Officers.
21. Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, &c.	By the local Medical Officers in charge of such hospitals, asylums, &c.
22. Deeds, contracts, and instruments relating to the Administration of Aden.	The Political Resident, Aden.
23. Deeds, contracts, and instruments not included in any of the foregoing articles.	In Sind, by the Commissioner in Sind, and elsewhere by a Secretary to Government.

Nothing herein contained shall be deemed to affect any enactment for the time being in force which expressly prescribes by whom any such deed, contract, or other instrument as is herein mentioned, shall be executed.

Restrictions on the powers of Local Governments an Administrations to enter into contracts involving liabilities on the State.

The Government of India having had under consideration certain cases in which agreements have been made with private persons or mercantile firms, which have resulted in loss or inconvenience to the State, has prescribed the following rules for the guidance of Local Governments and Administrations :—

I.—In those cases where it is considered expedient to grant concessions or to make agreements which create any exclusive privilege or impose any corresponding obligation upon the Government, the deed of concession, or the agreement, if the rights under it are transferable, must be so framed that it will be beyond the power of the persons with whom the agreement is made to transfer their rights, or a part of them, without the sanction of the Government.

II.—Whenever it is considered that the circumstances are such that it may be expedient that the property or rights should be placed in the hands of a joint stock company, the circumstances must be reported to the Government of India before the agreement is concluded or the concession finally made.

III.—All contracts, agreements or concessions creating any exclusive privilege or imposing an corresponding obligation upon the

Government which have a currency of more than five years must be forwarded before execution for the approval of the Government of India, unless powers have been unconditionally reserved to Government in the contract to terminate it on giving notice of such intention.

IV.—Agreements with private persons, firms, or companies, under which a Local Government undertakes to execute works or perform services for them which involve expenditure from Government funds to the extent of a lákh of rupees altogether, or of a yearly sum of Rs. 5,000, or the cession of Government property valued at a lákh of rupees, should be submitted to the Government of India for approval.

V.—Contracts or agreements which fall under the terms of clause III will be subject to any special provision made by Government to meet particular cases, or particular classes of cases, in which a strict application of that clause would be unadvisable.

VI.—When agreements of the class referred to in this Resolution are executed by a Local Government, their terms should be considered in the Judicial Department and by the highest legal adviser to that Government, and they should be executed by the Secretary to the Local Government in the Judicial Department (Government Resolution No. 3491, 20th November 1888. Financial Department.)

APPENDIX A.

No. 607.

REVENUE DEPARTMENT.

Bombay Castle, 4th February 1879.

The following Resolution by the Government of India is republished :—

"GOVERNMENT OF INDIA.—HOME DEPARTMENT.

Execution of Deeds, Contracts, &c., on behalf of the Secretary of State by the Officers of the Forest Department.

Extract from the proceedings of the Government of India in the Home Department, Judicial,—No.23—1411, under date Simla, the 15th October 1878.

Read again the following Resolutions on the subject of the execution of deeds, contracts, &c., on behalf of the Secretary of State :—

Home Department Resolution No. 989, dated the 23rd June 1877.
" " No. 684, dated the 31st May 1878.
" " No. 991, dated the 3rd August 1878.

Read also the following letters relating to the execution of deeds, contracts, &c., by Forest Officers :—

From Government of Madras, No. 343, dated the 4th March 1878.
" " of Bombay, No. 2313, dated the 4th May 1878.
" " of Bengal, No. 397 T, dated the 10th May 1878.
" " of N. W. P. and Oudh, No. 110A, dated the 28th May 1878.
" " of Punjab, No. 449 C. dated the 3rd August 1878.
" Chief Commissioner of Central Provinces, No. $\frac{3062}{120}$, dated the 2nd August 1878.
" " of British Burma, No. $\frac{207}{76}$, dated the 29th March 1878.
" " of Mysore, No. $\frac{536}{64}$, dated the 20th May 1878.
" " of Assam, No. 760, dated the 14th March 1878.
" " of Ajmere, No. 1141 S, dated the 23rd May 1878.
" Resident at Hyderabad, No. 5 B, dated the 29th April 1878.

RESOLUTIONS.

In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, cap. fifty-nine, section two, the Governor General in Council is pleased to declare that the undermentioned classes of the deeds, contracts, and other instruments, referred to in the twenty-second and twenty-third of Victoria, cap. forty-one, section two, may be executed as follows :—

Contracts and other instruments in matters connected with the administration of forest and with the business of the Forest Department generally.	By Conservators, Deputy, Assistant and Sub-Assistant Conservators of Forests to such extent, and within such limits as the Local Government may prescribe by Notification in the Official Gazette.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted above, and to the Department of Revenue, Agriculture and Commerce, for information and for the issue of any further orders which may be necessary.

Ordered, also, that this Resolution, together with the Statutes referred to in it, be published in the Supplement to the *Gazette of India*.

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33 & 34 VICTORIA, CAP. 59.

An Act to render valid certain contracts informally executed in India.

[9th August 1870.]

WHEREAS by an Act passed in the twenty-second and twenty-third years of the reign of Her present Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act for the better government of India," it was provided that any deed, contract, or other instrument made by the authorities therein named, for the purpose of disposing of real and personal estate in India vested in Her Majesty under the said last-mentioned Act, or of raising money on such real estate by way of mortgage, or of making proper assurance for that purpose, or of purchasing and acquiring any lands and hereditaments, or any interest therein, stores, goods, chattles and other property in India, and of entering into any contracts whatsoever for the purposes of the said first-mentioned Act, may be expressed to be executed as on behalf of the Secretary of State for India in Council, by or by order of the Governor General in Council, or the Governor of Fort St. George or of Bombay in Council : 22 & 23 Vic., c. 41.

And whereas by an Act passed in the thirty-second and thirty-third years of Her said Majesty, it was recited that certain deeds had been issued for inám lands in the Presidency of Fort Saint George by the Inám Commissioner in the execution of his office in that respect, which, by reason of certain defects in the expression of the execution thereof, it was apprehended might be invalid ; and provision was thereupon made by the said last-mentioned Act that the said title-deeds should not be deemed invalid by reason of such defects :